

EPA Region 5 Records Ctr.



382790

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

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DAVID P. CURRIE, CHAIRMAN
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October 31, 1972

Mr. Patrick O. Boyle)	
Legal Counsel)	PCB72-357
Olin Corporation)	
East Alton, Illinois 62024)	OLIN CORPORATION
)	
Ms. Nancy Schaffenacker)	v.
Environmental Protection Agency)	
2200 Churchill Road)	ENVIRONMENTAL PROTECTION AGENCY
Springfield, Illinois 62706)	

Dear Sirs:

Enclosed please find certified copies of the Opinion and Order of the Board adopted October 31, 1972 for the above entitled case.

Very truly yours,

Christan L. Moffett
Christan L. Moffett
Clerk of the Board

CLM:gn
enc.

cc: H. Sheldon
L. Eaton
T. Immel
F. Crawford
L. Hudson
J. Anderson
B. Pye

ILLINOIS POLLUTION CONTROL BOARD
October 31, 1972

OLIN CORPORATION, a Virginia
corporation,

vs.

ENVIRONMENTAL PROTECTION AGENCY

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PCB 72-357

Patrick O. Boyle, Attorney for Petitioner
Thomas J. Immel, Assistant Attorney General for the EPA

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioner, the manufacturer of military flares, missile and rocket igniters and jet aircraft starter cartridges, seeks a one year extension of a variance which was granted by this Board in decisions found at PCB71-60 and PCB 71-371. The variance, which is to expire November 24, 1972, authorizes the open burning of explosive wastes by Olin Corporation on 290 acres of strip mined land in Williamson County, Illinois. Both parties refer to this as a "remote" area.

The materials used in Olin's production include explosives, pyrotechnics, propellants and various inert components. About 2 percent of this hazardous material becomes scrap along with packaging material which has become contaminated and is treated as explosive waste. The actual amounts of waste to be burned vary according to production volume. Maximum amounts to be burned in any week are:

Ammonium nitrate propellant	300 lbs.
Double base propellant	40 lbs.
Single base propellant	20 lbs.
Pyrotechnic flare mix (high magnesium content)	1500 lbs.
Fuel Oil	Sufficient to immerse pyrotechnic mix as required for safety reasons
Contaminated packaging and transfer materials	100 lbs.

The EPA calculates that this burning would cause weekly particulate emissions of 822.3 lbs., CO emissions of 516 lbs. and NO emissions of 435 lbs.

These materials constitute a severe fire and explosion hazard. Open burning has been acknowledged to be the only safe method of disposal.


Failure to dispose of the wastes on a regular basis would result in the closing of the Petitioners' manufacturing plant.

Pursuant to the existing variance Olin Corp. is designing and constructing an experimental incinerator for the disposal of the explosive wastes. The anticipated completion date of July 1972 was not met because severe flooding in Pennsylvania delayed the shipment of necessary incinerator components. The Variance Petition estimated the completion date as October 1, 1972. The EPA indicated that completion was expected in September 1972. Petitioner needs five months for testing of the incinerator following its construction.

No reason is suggested for extending the variance a full year. The EPA recommends that the variance be extended through March 31, 1973 or until the incinerator is operational, whichever is sooner. We believe the eighteen week extension is sufficient on the record before us. If problems are encountered during testing which make a further extension necessary those problems should be brought to our attention.

It is the order of the Pollution Control Board that the Variance granted in PCB 71-60 and subsequently extended in PCB 71-371 be further extended through March 31, 1973, or until the incinerator is operational, whichever time is shorter, subject to all conditions of the Board's Orders in the two previous decisions.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 31st day of October, 1972 by a vote of 5 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board

occasioned by Act of God or the public enemy, accidental fire or explosion, flood, war, riot, sabotage, accident, government priority or other action by any state or federal governmental authority or local governmental agency other than relating to pollution control, strike, slowdown, lockout, or work stoppage or labor trouble of any kind whatsoever, failure of supply of materials, parts, or equipment, or failure, delay, or refusal of any designer, fabricator, or supplier to design, fabricate, deliver or install as agreed any equipment specified herein, provided such failure, delay, or refusal is not due in whole or in part to fault of the Company, or if occasioned by any other circumstance, whether of like character or different character from those enumerated above, which circumstance is beyond the reasonable control of the Company.

The Board shall be the determiner of any disputed facts arising hereunder, including but not limited to any issue of forfeiture which may arise. Should the Agency decide that grounds exist for a forfeiture of this obligation, the Agency shall promptly notify the Company and the Surety by Certified Mail to the addresses listed below, whereupon the Company shall, within seven days after receipt of said notice, pay to the State of Illinois through the Agency the amount of any fine assessed; provided, however, that if the Company disputes any alleged forfeiture or fine hereunder by filing, within seven days after receipt of notice, a Petition for relief with the Board, any amounts to be paid hereunder shall not be due and

payable until resolution of all issues of forfeiture by the Board. Provisions of the Environmental Protection Act and Procedural Regulations of the Board regarding the conduct of proceedings before it shall govern the conduct of the disputed forfeiture hearing. Any determination by the Board pursuant to this instrument is subject to the right of review thereof as provided by law.

Notice to the Agency shall be to:

Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Attention: William L. Blaser, Director

Notice to the Company shall be to:

Olin Corporation
East Alton, Illinois 62024

Attention: Energy Systems Division
Legal Counsel

Notice to the Surety shall be to:

Chubb & Son Inc.
175 West Jackson Blvd.
Chicago, Illinois 60604

OLIN CORPORATION (The Company)


by



K. B. Zimmermann, Vice President
and General Manager, Energy
Systems Division

FEDERAL INSURANCE COMPANY (The Surety)

by



John C. Lanphier, 3rd
Attorney-in-Fact